

# CTE Civil Rights Review Process

## September 8, 2016 Transcript

[00:00:00] Good afternoon, and welcome to Virginia Department of Education Career and Technical Education Video Streaming for Professional Development. This presentation will focus on the Civil Rights Review Process in the CTE programs. Perhaps you have not met me yet. I am Bill Hatch, the CTE Planning, Administration, and Accountability Coordinator, and I'm looking forward to meeting you at the VACTEA meeting later this month.

[00:00:35] Today I'll be spending time with you on this presentation to help explain the components of the CTE Civil Rights Review Process. This presentation may be used for self-assessment purposes or in preparation for an on-site review. We will be looking at the Purpose, why civil rights is done, why CTE is so interrelated to the Civil Rights Review, and then touching on the Federal Laws and Regulations, and then going into a bit deeper into the process itself, the Steps before the On-Site Review, the Scope of the On-Site Visit, and the Steps after the On-Site Review.

[00:01:18] The Purpose of the CTE Civil Rights Review is to ensure that each student enjoys equal access to CTE programs, activities, regardless of race, color, national origin, sex, or disability. And the other piece is to make sure that the Virginia Department of Education fulfills its obligation to the Office for Civil Rights to review and assist the school divisions regarding the federal civil rights laws and regulations.

[00:01:48] Now, for a brief look at the Federal Laws and Regulations. Each of these is very complicated and in itself could take years to go through and understand the text of the law, the case law behind each of these. But we'll start with the Guidelines. They set the requirements and provide guidance to conduct the reviews; we collect data, analyze the data, and perform the reviews. We provide technical assistance, making sure that we report the activities and findings to the Office for Civil Rights, and as a side note, OCR critically reviews our work, and then provides a detailed response that sometimes even includes corrective action.

[00:02:31] The laws are Title VI of the Civil Rights Act of 1964. This prohibits discrimination on the basis of race, color, and national origin. Next is Title IX of the Education Amendments of 1972. This prohibits discrimination on the basis of sex. We also look at Section 504 of The Rehabilitation Act of 1973, and this provides discrimination protection on the basis of disability. Then, finally, Title II of the Americans with Disabilities Act, or the ADA, prohibits discrimination based on disability by public entities, and that would include the school divisions.

[00:03:15] One of the things that everyone wants to know is why CTE is so interrelated with the Civil Rights Review. In the 1970s there was a lawsuit against what is now the U.S. Department of Education to enforce civil rights requirements in what now are our CTE programs, and as a result, the Guidelines that we talked about it a minute ago, were created as the foundation of the CTE Civil Rights Review, and these Guidelines continue to regulate the review process today.

[00:03:47] One of the things that I want to address before we get too far along in this presentation is that Compliance is a Shared Responsibility. We have done reviews where the responsibility was on the CTE Administrator or Director, and this is such a tough position to be in. I like to make sure that the school division knows that it is a total school division issue, and not just for CTE.

[00:04:14] There are many other division pieces that are involved in this process, including the Superintendent; the CTE Director, who is usually my primary contact throughout the review, but that's at the discretion of the school division; then the Director of Maintenance, or Facilities or Construction, whatever the title may be. Since we do a lot with facility accessibility, we will need a contact there as well. We look at human resource issues with employment so the Director of Human Resources is needed, the Title IX Coordinator, the 504 Coordinator, and the Directors of Special Education, Guidance, and ESL/LEP are very crucial to this process as well. And naturally, when we go out into the buildings, we will be meeting with the principals and other school personnel to learn more about the division and collect the information.

[00:05:11] As we go through the Steps of the Civil Rights Review Process before the On-Site Visit, I want to get you familiar with the parts, the process, and the order. Starting with the Targeting Plans, school divisions are targeted on a 6-year cycle with about 22 school divisions ranked per year. And what we do, we look at the Targeting Plan that OCR has approved, and we use that to rank the school divisions. OCR requires that Virginia must review four school divisions per year, so VDOE identifies the top four from the targeting pool that have earned the most points. And then we send each a letter of identification, essentially saying you're the lucky winner of a review this year. Actually, it's a letter to your superintendent that explains the purpose, the process, and the VDOE contact information. Divisions that have gone through the review say that while they never would have volunteered, it was very helpful to go through the process.

[00:06:19] And the next step before the on-site visit is what we officially, where we officially, request information. We need some information prior to coming on-site, so we know what to look for, and this expedites the on-site process.

[00:06:37] That brings us to the Scope of the On-Site Visit, and we're going to spend a good portion of this presentation today in this area, and then we'll pick up later with the Steps after the On-Site. The Virginia Department of Education's CTE team, after reviewing all data and information collected previously, including information on your websites, enrollment data, and your board policies--we will be conducting interviews with your school administrators, your central office administrators, your counselors, your teachers, and also the students.

[00:07:14] Finally, we will be performing walk-throughs of the schools to determine the level of compliance in the following areas: first there is the Program Accessibility area. We will be looking at Administrative, Site Location, Student Eligibility, Admission, Recruitment, Student Financial Assistance that your school division provides, Career Guidance and School Counseling, Services for Students with Disabilities, Work-Based Learning, and Employment. And during the walk-throughs, we will look at Facility Accessibility and Facility Comparability. I will go over these a bit more as we continue.

[00:08:02] Let's first start with Administrative. The team will be looking at the procedures you have in place to ensure nondiscrimination. This includes your continuous notice of (non)discrimination, the grievance procedures that are disseminated to the general public, also to the students, parents, and staff, so that they know how to report alleged discrimination. And then there's the annual public notice of nondiscrimination that the CTE director usually handles. And then the designation of a person or persons that will coordinate the activities under Title IX, Section 504, and Title II. I can send you examples of any of the above if needed. Lastly, if there's language of any community of national origin, typically that usually equals or greater than 5 percent of the total enrollment, those procedures must also be in that language. Typically, that is Spanish, but there might be a few more for other languages as well, particularly in the divisions that are closer to Washington, D.C.

[00:09:15] Next is Site Location and Student Eligibility. This ensures that the eligibility criteria for admission to division programs or facilities, in local or regional CTE centers, does not discriminate on the basis of race, color, national origin, sex, or disability.

[00:09:34] Then, Admission. Ensuring that the admission criteria to CTE programs or courses does not discriminate on the basis of race, color, national origin, sex, or disability. When looking at whether a school division had nondiscriminatory admission practices, one of the first things that we do is compare the demographic data: the school division's CTE student enrollment demographics to the overall demographics of the school division, and then next, the student enrollment demographics for each CTE course to the student demographics of that high school. And in each we look to see if there's a representative demographic for each group in CTE within the division, and then within each program. One of the things I'd like to encourage you to do for this process is to look outside the scope of this review and consider your enrollment for higher-level mathematics and science courses and your honors or Advanced Placement courses.

[00:10:41] Next would be Recruitment. This includes policies, procedures, and/or practices for selecting and using representative recruitment materials to ensure that CTE opportunities are not limited on the basis of race, color, national origin, sex, or disability.

[00:11:02] Next would be Student Financial Assistance. Assistance may include scholarships, dues, fees, clothing, and/or transportation. We are making sure this information is equitably written and includes the nondiscrimination statement.

[00:11:21] Next is Career Guidance and School Counseling. School divisions must ensure that school counselors do not direct a student to enroll in a particular course or predict a student's likelihood of success based on race, color, national origin, sex, or disabilities.

[00:11:41] And then there's Services for Students with Disabilities. On the basis of a disability, a division may not exclude any qualified student with a disability from a course, course of study, or other part of its educational program or activity. They must provide a free appropriate public education, and placement decisions must be made by a knowledgeable group of people who have an understanding of the student, the evaluation and the data of those placement options. Particularly that's going to be the Section 504 team or the Individualized Education Program

team, the IEP team. Related instructional aides and services should be available as determined by the IEP or Section 504 team. Academic achievement tests should measure ability and achievement rather than disability, and a student with a disability must be placed in the educational setting most appropriate for that student's individual needs in the least restrictive environment.

[00:12:49] Work-based learning opportunities are available to all students regardless of race, color, national origin, sex, or disability. The work-training agreements must contain a written assurance of nondiscrimination signed by both the employer and the school personnel. And VDOE has published the Career and Technical Education Work-Based Learning Guide, and that is especially helpful.

[00:13:16] Next we will be looking at Employment. Employment practices are conducted without regard to race, color, national origin, sex, or disability of the applicants or employees. We do look at the application forms and materials to make sure that they are free from prohibited questions relating to disability, marital, or parental status.

[00:13:41] Then there is the Facility Compliance portion. VDOE must ensure that facilities are accessible to individuals with disabilities and make sure that students with disabilities are not excluded from enjoying the benefits of the school CTE programs or services, including all the main common areas of the school.

[00:14:04] I know what you are wondering. What is a facility? Under both Title II of the ADA and Section 504, pretty much all your buildings, structures, your roads, your walkways, your parking lots, are all part of that facility. So in looking at Facility Compliance, we look at several factors. We consider the date that the construction started, not the date of the certificate of occupancy, and from there we identify which accessibility standards will be used for that facility or portion of that facility: Readily Accessible, ANSI, UFAS, ADA after 1991, and ADA 2010. Then alternatively, if there has been some sort of substantial alteration to a wing or whole building, then we look at that new date as the standard for that portion.

[00:15:06] One of the things we look for is to make sure that there is signage, particularly to the accessible entrances and restrooms. As you see, many of the signs are either directional signs or actually on the building entrance or restroom to indicate that it is accessible. And to be correct, signage does not mean that is actually accessible.

[00:15:28] Next is parking. We make sure there are the required number of accessible spaces, and they meet that standard's requirements. Then we will look at the paths of travel. These are the routes that persons with disabilities would use to travel from one area to the other, like to the main parking lot to the entrance of the building. I want to show you some of the paths of travel not in compliance. Some, the grade of the ramp is just too steep; some are aesthetically beautiful yet do not have any handrails; some, while helpful, might still be inaccessible to a student or parent or member of the public who use a wheelchair or walker because the grade is still too steep, or more commonly, if there are cracks in the walkway.

[00:16:24] Some of the other areas we look at in the schools are drinking fountains. Some drinking fountains stick out in the middle of nowhere. While it may be accessible for a student who is blind or visually impaired, perhaps using a cane, they wouldn't be able to detect that; they would walk right into it. That's called the protruding object, so that's not going to be accessible. If there is a student in the wheelchair coming through your door, and the threshold of it is too high, there are some commercial products that you can use, like in this picture, to alleviate that threshold and allow that student to go through that doorway.

[00:17:06] Seating now must have cutouts for persons with disabilities. The same thing with the tables. There's usually a cutout in a spot for that foot rest of a wheelchair. Hardware is one of the biggest obstacles to look for with persons with disabilities. It has to be operable with a closed fist, like the hardware that has a lever. However, a door with an actual knob, that is going to make whatever is behind that door inaccessible.

[00:17:38] Next we go to the restrooms. You're looking at the handrails on the back and side of the toilet, at the dispensers to make sure they're at the appropriate height, at the stall width, and the turning radius for a wheelchair.

[00:17:52] Next we look at Facility Comparability. What we're doing here is looking at, whether if for male or female, perhaps that might be the locker rooms and rest rooms or other things. I've been in schools where the boys' locker room is in a separate building with large lockers, cushioned chairs, carpeting, white boards, and a spacious restroom and shower areas, and then went into the girls' team locker room to see it's about the size of a small storeroom with a couple of folding chairs, a toilet, and a sink. So that would be a facility comparability issue based on sex.

[00:18:31] Some of the other things for students with disabilities might be if the students with disabilities classrooms were located in the trailer in the back, not located near restrooms, other classrooms, or the cafeteria. That would be a facility comparability issue for disability. That finishes up the on-site visit.

[00:18:56] Continuing with the Steps after the On-Site Review. If your school division is identified for review, after completing the review, the VDOE will provide the school division with the Letter of Findings. That's the report that identifies the noncompliance issues. We are going to be providing that to the school division within a certain amount of time. From that, the school division will be preparing a Voluntary Compliance Plan, or VCP, and we will be assisting with that throughout the process. That details the school division's proposed actions to remedy the noncompliance issue, and then, of course, we will be monitoring the follow-up with the school division to ensure that compliance of the VCP. That is a very important part, and I like to do that with fidelity to make sure we're honoring the process.

[00:19:54] That completes the Review Process. If you have questions about the Civil Rights Review, please don't hesitate to contact me. I will be glad to provide you with either information or technical assistance. Please see the contact information for Lolita Hall, our director, and for George Wilcox, our associate director. But for any questions pertaining to the CTE Civil Rights Review Process, please email or give me a call.

[00:20:27] To wrap things up, please see our Archived Sessions that are available on the VDOE website on the Professional Development tab, and please complete the Session Evaluation. It gives us information that we need and use for further presentations.

[00:20:46] I hope that the points that I covered with you will help you feel more comfortable, perhaps that's not the right word, with the Civil Rights Review Process, particularly the components and the things to look for in the review and why it matters if you are in compliance. We certainly hope that if you have questions that you will give us a call and also take a couple of minutes to complete the evaluation of this session so that we can use that input for the continuous improvement process of these professional development sessions.

Thank you very much.

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